

COUNSEL LISTED ON SIGNATURE BLOCK

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORP., and
HOLOGIC L.P.,

Plaintiffs,

v.

SENORX, INC.,

Defendant.

SENORX, INC.,

Counterclaimant,

v.

HOLOGIC, INC., CYTYC CORP., and
HOLOGIC L.P.,

Counterdefendants.

CASE NO.: C-08-0133 RMW (RS)

**STIPULATED REQUEST FOR
ORDER CHANGING TIME TO
EXTEND DEADLINE FOR FILING
PRETRIAL SUBMISSIONS
PURSUANT TO CIVIL LOCAL
RULE 6-2 AND [PROPOSED]
ORDER**

Courtroom: 6, 4th Floor
Judge: Hon. Ronald M. Whyte

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STIPULATED REQUEST FOR ORDER TO
EXTEND DEADLINE FOR FILING
PRETRIAL SUBMISSIONS

CASE NO. C-08-0133 RMW

1 Plaintiffs and Counterdefendants Hologic, Inc., Cytoc Corporation, and Hologic L.P. and
 2 Defendant and Counterclaimant SenoRx, Inc. hereby jointly request pursuant to Civil Local Rule
 3 6-2 an order changing time to extend the deadline to file pretrial submissions to July 3, 2008. In
 4 support of this request, the parties submit the Declaration of Rachel Rodman.

5 The deadline for pretrial submissions is currently June 24, 2008. However, because the
 6 date for the claim construction and summary judgment hearing has been moved to June 25, 2008,
 7 the parties' pretrial submissions would now be due before the claim construction hearing and
 8 before any claim construction order or order on the pending motions for summary judgment.
 9 Because the scope of the case and issues to be tried will depend on the Court's rulings on these
 10 motions, the parties request the extension of these pretrial submissions to July 3, 2008. The
 11 pretrial conference is currently scheduled for July 9, 2008, and the trial is scheduled to begin on
 12 July 14, 2008.

13 For these reasons, the parties respectfully request that the deadline for submitting pretrial
 14 submissions be extended until July 3, 2008. The parties agree that this extension would not apply
 15 to motions in limine, which would be filed on June 24, 2008 so that replies would be filed in time
 16 to be heard at the pretrial conference. In addition, the parties would exchange deposition
 17 designations and exhibits in advance of the pretrial submissions so that the pretrial submissions
 18 would include counter-designations and objections to deposition designations, as well as
 19 objections to authenticity and admissibility of proposed exhibits.

20 Dated: June 3, 2008

HOWREY LLP

21 By: /s/Katharine L. Altemus w/ permission

Katharine L. Altemus

22 altemusk@howrey.com

23 HOWREY LLP

24 1950 University Avenue, 4th Floor

25 East Palo Alto, CA 94303

26 Telephone: (650) 798-3500

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27 Attorneys for Plaintiffs Hologic, Inc.,

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Cytec Corporation, and Hologic L.P.
WILLIAMS & CONNOLLY LLP

By: /s/Bruce R. Genderson w/ permission

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By: /s/Natalie J. Morgan

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Attorneys for Defendant
SENORX, INC.

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Filer's Attestation

I, Natalie J. Morgan, am the ECF User whose identification and password are being used to file this Stipulated Request for Order Changing Time. Pursuant to General Order No. 45, ¶ X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from the other signatories to this Stipulation.

By: /s/Natalie J. Morgan

Natalie J. Morgan

[PROPOSED] ORDER

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED. The deadline for submitting pretrial submissions is July 3, 2008. Motions in limine shall be filed on June 24, 2008. The parties shall exchange deposition designations and exhibits in advance of the pretrial submissions so that the pretrial submissions shall include counter-designations and objections to deposition designations, as well as objections to authenticity and admissibility of proposed exhibits.

Dated June ____, 2008

The Honorable Ronald M. Whyte
United States District Court Judge

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CERTIFICATE OF SERVICE

U.S. District Court, Northern District of California,
Hologic, Inc. et al. v. SenoRx, Inc.
Case No. C-08-0133 RMW (RS)

I, Janice Wright, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 12235 El Camino Real, Ste. 200, San Diego, CA, 92130.

On June 3, 2008, I served a copy(ies) of the following document(s):

**STIPULATED REQUEST FOR ORDER CHANGING TIME TO EXTEND
DEADLINE FOR FILING PRETRIAL SUBMISSIONS PURSUANT TO CIVIL
LOCAL RULE 6-2 AND [PROPOSED] ORDER**

on the parties to this action by the following means:

Henry C. Su (suh@howrey.com)
Katharine L. Altemus (altemusk@howrey.com)
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East Palo Alto, CA 94303
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Attorneys for Plaintiffs
HOLOGIC, INC. CYTYC
CORPORATION and
HOLOGIC LP

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Washington, DC 20004
Telephone: (202) 783-0800
Facsimile: (202) 383-6610

Attorneys for Plaintiffs
HOLOGIC, INC. CYTYC
CORPORATION and
HOLOGIC LP

☒ (BY MAIL) I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Wilson Sonsini Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily familiar with WSGR's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

☒ (BY ELECTRONIC MAIL) I caused such document(s) to be sent via electronic mail (email) to the above listed names and email addresses.

☐ (BY PERSONAL SERVICE) I caused to be delivered by hand to the addressee(s) noted above. I delivered to an authorized courier or driver to be delivered on the same date. A proof of service signed by the authorized courier will be filed with the court upon request.

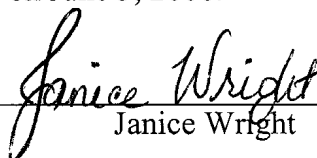
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2 overnight delivery, said practice being that, in the ordinary course of business,
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report(s) by sending the documents(s) to (see above). The facsimile transmission(s)
was/were reported as complete and without error.

6 ☒ (BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case
7 Management/Electronic Case File system with the U.S. District Court for the Northern
District of California.

8 I declare under penalty of perjury under the laws of the United States that the above is true
9 and correct, and that this declaration was executed on June 3, 2008.

10 
11 Janice Wright

1 F.T. Alexandra Mahaney, State Bar No. 125984
2 WILSON SONSINI GOODRICH & ROSATI
3 Professional Corporation
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7 Facsimile: (858) 350-2399
8 Email: amahaney@wsgr.com

9 Bruce R. Genderson (*admitted pro hac vice*)
10 Aaron P. Maurer (*admitted pro hac vice*)
11 Rachel Shanahan Rodman (*admitted pro hac vice*)
12 Adam D. Harber (*admitted pro hac vice*)
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15 Washington, DC 20005
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18 Attorneys for Defendant and Counterclaimant
19 SENORX, INC.

20
21 IN THE UNITED STATES DISTRICT COURT
22
23 NORTHERN DISTRICT OF CALIFORNIA
24
25 SAN JOSE DIVISION

26 HOLOGIC, INC., CYTYC CORP., and
27 HOLOGIC L.P.,

28 Plaintiffs,

29 v.

30 SENORX, INC.,

31 Defendant.

32
33 SENORX, INC.,

34 Counterclaimant,

35 v.

36 HOLOGIC, INC., CYTYC CORP., and
37 HOLOGIC L.P.,

38 Counterdefendants.

CASE NO.: C-08-0133 RMW (RS)

**DECLARATION OF RACHEL
RODMAN IN SUPPORT OF
STIPULATED REQUEST FOR
ORDER CHANGING TIME TO
EXTEND DEADLINE FOR FILING
PRETRIAL SUBMISSIONS
PURSUANT TO CIVIL LOCAL
RULE 6-2**

Courtroom: 6, 4th Floor
Judge: Hon. Ronald M. Whyte

DECLARATION OF RACHEL RODMAN IN SUPPORT
OF STIP. REQUEST FOR ORDER CHANGING TIME
TO EXTEND DEADLINE FOR FILING PRETRIAL
SUBMISSIONS

CASE NO. C-08-0133 RMW (RS)

1 I, Rachel Rodman, declare that I am an associate at the law firm of Williams & Connolly
2 LLP, admitted pro hac vice to practice before this Court in the above-captioned matter. I serve
3 as outside counsel for Defendant SenoRx, Inc. ("SenoRx"). The following declaration is based
4 on my personal knowledge, and if called upon to testify, I could and would competently testify
5 as to the matters set forth herein.

6 1. The parties request an enlargement of the time to file pretrial submissions for the
7 following reasons. The pretrial conference is currently scheduled for July 9, 2008, and the trial is
8 scheduled to begin on July 14, 2008. Pursuant to the Honorable Ronald M. Whyte's Standing
9 Order Re: Pretrial Preparation, the deadline for pretrial submissions is currently June 24, 2008 (ten
10 court days prior to the pretrial conference). However, because the date for the claim construction
11 and summary judgment hearing has been moved to June 25, 2008, the parties' pretrial submissions
12 would now be due before the claim construction hearing and before any claim construction order
13 or order on the pending motions for summary judgment. Because the scope of the case and issues
14 to be tried will depend on the Court's rulings on these motions, the parties request the extension of
15 these pretrial submissions to July 3, 2008. The parties agree that this extension would not apply to
16 motions in limine, which would be filed on June 24, 2008 so that replies would be filed in time to
17 be heard at the pretrial conference. In addition, the parties would exchange deposition
18 designations and exhibits in advance of the pretrial submissions so that the pretrial submissions
19 would include counter-designations and objections to deposition designations, as well as
20 objections to authenticity and admissibility of proposed exhibits.

21 2. Previously in this matter, the parties jointly stipulated to an extension of time to
22 answer or otherwise respond to the initial complaint, Plaintiffs sought and were granted leave to
23 file their amended complaint out of time, SenoRx requested and was granted an extension of time
24 to conduct discovery and prepare its opposition to Plaintiffs' motion for a preliminary injunction,
25 the parties jointly stipulated to an extension of time to answer or otherwise respond to the
26 amended complaint, the parties jointly stipulated to an extension of time for Plaintiffs to respond
27 to Defendant's Objections to and Motion to Strike Certain Portions of the Declaration of Glenn
28

1 Magnuson, and, at the Court's request, the claim construction hearing was rescheduled from June
2 9, 2008 to June 25, 2008.

3 3. The requested enlargement of time would not otherwise affect the schedule for this
4 case.

5 I declare under penalty of perjury that the foregoing is true and correct.

6
7 Dated: June 3, 2008

By: 
Rachel Rodman

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CERTIFICATE OF SERVICE

U.S. District Court, Northern District of California,
Hologic, Inc. et al. v. SenoRx, Inc.
Case No. C-08-0133 RMW (RS)

I, Janice Wright, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 12235 El Camino Real, Ste. 200, San Diego, CA, 92130.

On June 3, 2008, I served a copy(ies) of the following document(s):

**DECLARATION OF RACHEL RODMAN IN SUPPORT OF STIPULATED
REQUEST FOR ORDER CHANGING TIME TO EXTEND DEADLINE FOR
FILING PRETRIAL SUBMISSIONS PURSUANT TO CIVIL LOCAL RULE 6-2**

on the parties to this action by the following means:

Henry C. Su (suh@howrey.com)	Attorneys for Plaintiffs
Katharine L. Altemus (altemusk@howrey.com)	HOLOGIC, INC. CYTYC
HOWREY LLP	CORPORATION and
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Matthew Wolf (wolfm@howrey.com)	Attorneys for Plaintiffs
Marc Cohn (cohnm@howrey.com)	HOLOGIC, INC. CYTYC
HOWREY LLP	CORPORATION and
1229 Pennsylvania Avenue, NW	HOLOGIC LP
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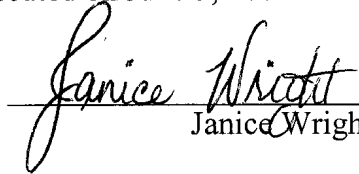
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8 I declare under penalty of perjury under the laws of the United States that the above is true
and correct, and that this declaration was executed on June 3, 2008.

9
10 
11 Janice Wright